

REMARKS

Applicants thank the Examiner for consideration given the present application. Claims 1-27 are presently pending. Claims 1, 11, 22, 24, 25 and 27 are independent. Claims 23 and 26 have been cancelled. Claims 2-10, 12-21, 24, and 27 have been amended. Applicants respectfully request reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seek timely allowance of all pending claims.

Claim Rejections Under 35 USC §101

Claims 23-24 and 26-27 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 23 and 26 allegedly recite a computer program per se. In light of the cancellation of claims 23 and 26, it is respectfully requested that the outstanding rejection to these claims be withdrawn.

Claims 24 and 27 allegedly recites a recording medium that can also be in a communication medium form such as the Internet. In light of the amendment to the specification, specifically page 31, and the amendment to the claims Applicants respectfully submit that claims 24 and 27 are directed to statutory subject matter and it is respectfully requested that the outstanding rejection to these claims be withdrawn.

Applicants thank the Examiner for allowing claims 23, 24, 26 and 27 if 35 U.S.C. §101 issues are resolved according to the standard guidelines.

Claim Rejections Under 35 USC §103 – Liao, Di Federico

Claims 1-7, 10-18, 21, 22 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Liao et. al. (“Liao”, U.S. 2004/0075660 A1) in view of Di Federico et. al. (“Di Federico”, U.S. 2005/0226538 A1). This rejection is respectfully traversed.

Liao is directed towards using a method of line drawing that will reduce calculation time. (See ¶ 009). Liao discusses determining the display color levels of peach pixel overlapping or within a predetermined range from the basic skeleton of the lines based on a blending factor, the blending factor being calculated based on the slope of the line m , the wide of the line d_{\max} , and the distances between a pixel and the line x_0 and y_0 . (See ¶ 0006, 0007, 0010, and 0023-0031).

Di Federico is directed towards a method of converting an input video signal to an output video signal. (See *Abstract*). Di Federico labels and scales the input video signal. (See *Abstract*).

According to MPEP § 2143.01, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

However, the technique of line-drawing in Liao depends on the slope m being unchanged to maintain the index table within a reasonable size. However, in the case of drawing a curve line (which is required in curve drawing), the slope m will be largely changed. In order for Liao's invention to function, all the possible combinations for different m , and different distances have to be pre-stored in the index table, which is unworkable. Therefore, one would not apply Liao to character drawing in Di Federico as indicated by the Examiner.

Therefore, it is respectfully submitted that the combination of cited references is inappropriate because the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose. Thus the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Moreover, the Federal Circuit has made it very clear that “the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for showing of the teaching or motivation to combine prior art references.

Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat the patentability – the essence of hindsight.” *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

The required evidence of a teaching, suggestion, or motivation to make the cited combination of references can be found either in the prior art references themselves (the most-typical location), the knowledge of one of ordinary skill in the art, or in some cases, from the nature of the problem to be solved. *Id.* The range of potential sources, however, does nothing to diminish the requirement for actual evidence. “The showing must be clear and particular” and cannot be met by broad conclusory statements. *Id.*

Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination” M.P.E.P. at § 2143.01, citing *In re Mills*, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990).

Applicants respectfully submit that the Examiner fails to provide sufficient evidence of a teaching, motivation, or suggestion that would cause one of ordinary skill in the art to combine Liao with Di Federico. The Examiner states that Liao does not specifically teach that the method of line drawing is applicable to strokes of a character. The Examiner cites Di Federico as teaching performing anti-aliasing on characters. The Examiner stated “it would have been obvious to one of ordinary skill in the art to apply the anti-aliasing teaching of Liao et. al. to the text of Di Federico et. al. because it is well known in the art to apply anti-aliasing to a text as it helps reducing the jaggedness and geometrical distortions” from *Di Federico*, ¶ 0071 (*See Office Action, Page 5*). Merely reasoning that Di Federico teaches anti-aliasing to characters is not sufficient to hint on how one skilled in the art would apply the inventions of Liao to character display. This is not sufficient to establish a *prima facie* case of obviousness.

Thus it is respectfully submitted that the rejection of claims 1-7, 10-18, 21, 22 and 25 under 35 U.S.C. § 103(a) is improper and must be reversed.

The Office Action states that the claim features of independent claims 11, 22, 25 are of similar in scope to claim 1 and therefore the rejections that apply to claim 1 apply to claims 11, 22, and 25 as well. However, the Examiner has not identified where the teaching of “setting a color element level for a subpixel within a predetermined range based on both or either a distance between a center of the subpixel and at least one dot contained in a stroke or a line width set for the stroke” as recited in independent claim 11, is found in Liao or Di Federico, and no additional reference is provided.

Furthermore, the teaching of the claim features of independent claim 22, “the step of obtaining a distance between a center of a subpixel overlapping a basic portion of the character, and at least one dot contained in a stroke, or the step of obtaining a line width set for the stroke, and the step of setting a color element level for the subpixel based on both or either the obtained distance or the line width” has not been identified within Liao or Di Federico.

Moreover, the teaching of the claim features of independent claim 25, “the step of obtaining a distance between a center of a subpixel within a predetermined range, and at least one dot contained in a stroke, or the step of obtaining a line width set for the stroke, and the step of setting a color element level for the subpixel based on both or either the obtained distance or the line width” has not been identified within Liao or Di Federico.

No explicit references besides those applied to claim 1 have been provided to teach these claim features. For at least the reasons stated above, independent claims 1, 11, 22 and 25 are patentably distinct from Liao and Di Federico. Claims 2-7, 10-18 and 21 are at least allowable by virtue of their dependency on corresponding allowable independent claim.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 1-7, 10-18, 21, 22 and 25 based on Liao and Di Federico.

Claim Rejections Under 35 USC §103 – Drewry, Di Federico

Claims 1, 8, 9, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Drewry et. al. (“Drewry”, U.S. 5,748,178) in view of Di Federico et. al. (“Di Federico”, U.S. 2005/0226538 A1). This rejection is respectfully traversed.

As stated above, according to MPEP § 2143.01, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

However, in the background portion of Drewry , Drewry teaches applying weighting which is a function of the distance a particular pixel from the line, where relatively smaller weighting (less bending) is applied to pixels farther from the current pixel of interest (*See Column 1, Line 47-Column 2, Line 8; Column 2, Lines 27-30*). Drewry’s invention is to provide improved methods for rendering *vector graphs* which are superimposed on top of rapidly changing background images. It is not obvious for one skilled in the art to recognize how such method is applied to character drawing since the nature of the pixels to be processed is largely changed. Therefore, one would not apply Drewry to character drawing in Di Federico as indicated by the Examiner.

Therefore, it is respectfully submitted that the combination of cited references is inappropriate because the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose. Therefore, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

As stated above, the Federal Circuit has made it very clear that “the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for showing of the teaching or motivation to combine prior art references. Combining prior art references without evidence of such a suggestion, teaching, or

motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat the patentability – the essence of hindsight.” *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

Applicants respectfully submit that the Examiner fails to provide sufficient evidence of a teaching, motivation, or suggestion that would cause one of ordinary skill in the art to combine Drewry with Di Federico. The Examiner stated that “it would have been obvious to one of ordinary skill in the art to apply the anti-aliasing teaching of Drewry to the text of Di Federico et. al. because it is well known in the art to apply anti-aliasing to a text as it helps reducing the jaggedness and geometrical distortions” from *Di Federico*, ¶ 0071 (*See Office Action, Page 5*). Merely reasoning that Di Federico teaches anti-aliasing to characters is not sufficient to hint on how one skilled in the art would apply the inventions of Drewry to character display. This is not sufficient to establish a prima facie case of obviousness.

Thus it is respectfully submitted that the rejection of claims 1, 8, 9, 19 and 20 under 35 U.S.C. § 103(a) is improper and must be reversed.

For at least the reasons stated above, independent claim 1 is patentably distinct from Drewry and Di Federico. Claims 8, 9, 19 and 20 are at least allowable by virtue of their dependency on corresponding allowable independent claim.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 1, 8, 9, 19 and 20 based on Drewry and Di Federico.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata, Reg. No. 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By 

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